

THE AMERICAN LEGION.

JULY 31, 1919.—Referred to the House Calendar and ordered to be printed.

Mr. MORGAN, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 6808.]

The Committee on the Judiciary having had under consideration the bill (H. R. 6808) to incorporate the American Legion, report the same back to the House with the recommendation that it be amended as follows, and as so amended the bill do pass.

Amend as follows:

Strike out the preamble to the bill.

Strike out all of the bill after the enacting clause and substitute therefor the following:

That the following persons, to-wit: William S. Bean, of North Carolina; Charles H. Brent, of New York; William H. Brown, of Connecticut; G. Edward Buxton, junior, of Rhode Island; Bennett C. Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; J. F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New Mexico; John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L. Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania; W. G. Price, junior, of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, junior, of New York; Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio, and such persons as may be chosen who are members of the "American Legion," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917-1918, known as the "American Legion," are hereby created and declared to be a body corporate. The name of this corporation shall be the "American Legion."

SEC. 2. Said persons named in section 1 and such other persons as may be selected are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and by the doing of all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the "American Legion" shall be permitted to participate in the proceedings thereof.

SEC. 3. The purpose of this corporation shall be: To promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve

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the memories and incidents of the Great War of 1917-1918; to cement the ties of love and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.

SEC. 4. The corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

SEC. 5. No person shall be a member of this corporation unless he served in the naval or military service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or served in the military or naval services of any of the Governments associated with the United States during the Great War, who were citizens of the United States at the time of enlistment.

SEC. 6. The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

SEC. 7. Said corporation may acquire any or all the assets of the existing unincorporated national organization known as the American Legion upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

SEC. 8. Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes, the name "The American Legion": *Provided*, That nothing in this act shall interfere or conflict with established or vested rights.

SEC. 9. The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however*, That said report shall not be printed as public documents.

SEC. 10. The right to repeal, alter, or amend this act at any time is hereby expressly reserved.

Very naturally and very properly the soldiers and sailors of the late war have sought to organize posts or lodges for the purpose of preserving the memories, cementing the friendships, and cultivating the comradeship that grew out of the late war, and more especially to perpetuate the spirit of patriotism that animated them—a spirit that is supremely important in preserving our Government and its Constitution, made sacred to them because of the suffering and sacrifices they endured. Their efforts to organize have resulted in a large unincorporated society that has adopted a constitution and by-laws and elected officers. The organization embraces the entire United States. It has held two large conventions, the last one at St. Louis, Mo., at which arrangements were made to apply to Congress for incorporation. The persons named in this bill were authorized to take the necessary steps for that purpose. It was further arranged that the next convention of the society should be held at Minneapolis, Minn., on the 11th day of November, 1919—the anniversary of the signing of the armistice that terminated hostilities.

While Congress has been loath to grant special charters, it is believed that this should be an exception to the rule. The bill as introduced would, if enacted into law, have created a corporation in the District of Columbia. The committee is of the opinion that if the charter is to be granted the society should be made a corporation of the United States and not of the District. The object of the corporation is national in scope. It is believed that Congress has the power to so incorporate the society. In the case of *United States v. Gettysburg Electric Railway Co.* (160 U. S., 669), the

Supreme Court had under consideration the question of whether Congress could authorize condemnation of land for a national park to commemorate the battle fought at Gettysburg, Pa., during the Civil War. Justice Peckham, speaking for a unanimous court, eloquently argued in favor of the power on the ground that such a park would stimulate patriotic devotion to the country and to do so was within the powers granted to Congress. He concluded on this branch of the case:

It is needless to enlarge upon the subject, and the determination is arrived at without hesitation that the use intended as set forth in the petition in this proceeding is of that public nature which comes within the constitutional powers of Congress to provide for by the condemnation of land.

The object of this charter is plainly similar if not the same in purpose. This charter will aid the men who participated in this war to cultivate the spirit of patriotism and instill in the young ambition to emulate their love of country and if need be to render the like services.



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